

A. G. Contract No. KR88-0020-TRD

ECS File: IGA-87-30
Project: VLT-900-943
Fund: 82560
Section: Patagonia Lake State
Park

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
SANTA CRUZ COUNTY

THIS AGREEMENT is entered into March 22, 1988,
between the STATE OF ARIZONA, acting by and through its
DEPARTMENT OF TRANSPORTATION (the "State") and SANTA CRUZ
COUNTY, acting by and through its Board of Supervisors (the
"County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Sections 11-952 and 28-108 to enter into this agreement and has
by resolution, a copy of which is attached hereto and made a
part hereof, resolved to enter into this agreement and has
delegated to the undersigned the authority to execute this
agreement on behalf of the State.

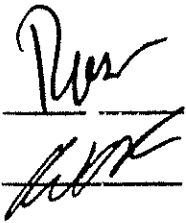
2. The County is empowered by Arizona Revised Statutes
Section 11-251 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has
authorized the undersigned to execute same on behalf of the
County.

3. It is to the mutual benefit of the State and the
County to enter into an agreement for the purpose of
reconstruction of the Patagonia Lake access road from State
Route 82 to the Patagonia Lake State Park boundary.

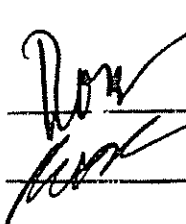
NO.	<u>12901</u>
FILED WITH SECRETARY OF STATE	
Date Filed	<u>5-17-88</u>
	<i>Jim Shumway</i> Secretary of State
By	<i>A. Perdue</i>

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

 1. The State shall develop a project for reconstruction and fencing of the access road from State Route 82 to the park boundary according to its standards, specifications and procedures. The project shall include plans, specifications, contract bid and award, and contract administration during construction.

2. The State shall pay construction costs, estimated to be \$5,000,000, required for said reconstruction.

 3. The State shall acquire in the name of the County additional rights of way for purposes of roadway construction, where necessary. The Deputy Chief Right of Way Agent, ADOT Right of Way Section, is herein authorized to accept conveyances of right of way for these purposes on behalf of Santa Cruz County. The County herein authorizes the State to condemn in the County's name rights of way for these purposes, as required to accomplish said acquisition.

4. The County shall provide to the State design information as required and necessary permits allowing for the contemplated construction.

5. Upon completion of construction and as part of its normal roadway maintenance program, the County shall provide routine maintenance of said Park access road from State Route 82 to the Patagonia Lake State Park boundary. Maintenance activities other than routine shall be subject to the availability of funds.

IV. MISCELLANEOUS PROVISIONS

1. This agreement shall become effective upon filing with the Secretary of State.

2. This agreement may be cancelled by the Governor in accordance with Arizona Revised Statutes Section 38-511.

3. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

4. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

5. Attached hereto and incorporated herein by reference is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

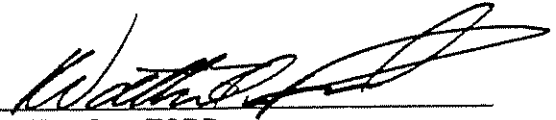
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

SANTA CRUZ COUNTY

STATE OF ARIZONA
Department of Transportation


By 

Its Chairman

By 

W. O. FORD
State Engineer

ATTEST:


Clerk

05945

Camilo Ahumada
District 1
Nogales

Cesar N. Parada, Sr.
District 2
Nogales

Ronald R. Morriss
District 3
Patagonia

BOARD OF SUPERVISORS

SANTA CRUZ COUNTY

F. DeCillis
Clerk

P. O. BOX 1150
NOGALES, ARIZONA 85628
PHONE 287-4778

I, Frances DeCillis, the duly appointed Clerk of the Board of Supervisors of Santa Cruz County, Az., do hereby certify that the following is a true replica of that portion of the official minutes of the Board of Supervisors meeting held on March 16, 1988:

INTERGOVERNMENTAL AGREEMENT, ARIZONA DEPT. OF TRANSPORTATION AND SANTA CRUZ COUNTY, PATAGONIA LAKE ROAD: Mr.

Leroy Brady of the A.D.O.T. explained that the state wishes to improve the access road to the Patagonia Lake Park. Engineering and cost estimates have been done; appraisals for rights-of-way are being done. After the project is completed, the road would be turned over to the county for maintenance of minor problems such as patching, sweeping, mowing the edges, etc. Construction should be completed by January or February 1989. The state will establish and mark speed limits and road striping as the contractor completes the project. The Board requested fencing in the open-range area since there would be considerable liability to the county with the expected increase in traffic. Mr. Brady will request the fencing. Board approved the Intergovernmental Agreement 1987-30 contingent upon fencing in the open-range area. (Motion by Morriss, second by Parada, carried unanimously.)

INTERGOVERNMENTAL AGREEMENT, ARIZONA DEPT. OF TRANSPORTATION AND SANTA CRUZ COUNTY, SONOITA REST AREA:

Board approved the Intergovernmental Agreement for Arizona Project #S275-906, the Sonoita Rest Area. (Motion by Ahumada, second by Parada, carried unanimously)

Dated this 17th day of March, 1988.



Frances DeCillis
Clerk of the Board
Santa Cruz County
Nogales, Arizona

Camilo Ahumada
District 1
Nogales

Cesar N. Parada, Sr
District 2
Nogales

Ronald R. Morriss
District 3
Patagonia

BOARD OF SUPERVISORS

SANTA CRUZ COUNTY


F. DeCillis
Clerk

P. O. BOX 1150
NOGALES, ARIZONA 85628
PHONE 287-4778

I, Frances DeCillis, the duly appointed Clerk of the Board of Supervisors, Santa Cruz County, Arizona, do hereby certify that the following is an exact copy of that portion of the minutes of the Board of Supervisors meeting held on Wednesday, April 27, 1988, in the County Courthouse, Nogales, Arizona:

"Board ratified the changes in the Intergovernmental Agreement for the Patagonia Lake Access Road with A.D.O.T., such changes being fencing and cattleguards provided by the State, and permitting the State to acquire rights-of-way in the name of the county. (C.Parada/C.Ahumada; carried unanimously)"

Dated this second day of May, 1988.

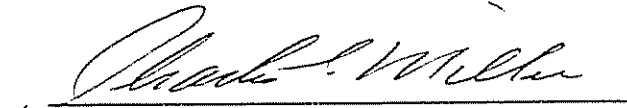

Frances DeCillis,
Clerk of the Board
Santa Cruz County, AZ

ECS File: IGA-87-30
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Park

RESOLUTION

BE IT RESOLVED on this 15 day of January, 1988, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, enter into an agreement with Santa Cruz County for reconstruction and maintenance of the access road to Patagonia Lake State Park.

THEREFORE, authorization is hereby given to draft said agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.



CHARLES L. MILLER, Director
Arizona Department of
Transportation

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INTERGOVERNMENTAL AGREEMENT

DETERMINATION

The referenced intergovernmental agreement between Santa Cruz County and the Arizona Department of Transportation has been reviewed pursuant to Arizona Revised Statutes Section 11-952, as amended, by the undersigned Santa Cruz County Attorney, who has determined that it is in the proper form and is within the powers and authority granted to Santa Cruz County.

Dated this 8th day of April, 1988.



JOSE LOUIS MACHADO
Santa Cruz County Attorney

ATTORNEY GENERAL
1275 West Washington
Phoenix, Arizona 85007
Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR88-0020-TRD, which is an agreement between public agencies, has been reviewed pursuant to Arizona Revised Statutes Section 11-952, as amended, by the undersigned Assistant Attorney General, who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter said agreement.

Dated this 3rd day of May, 1988.

ROBERT K. CORBIN
Attorney General



Assistant Attorney General
Transportation Division